

Updated on July 25, 2016

What are BIS's licensing requirements for the shipment of items subject to the EAR to ISIL-controlled facilities or territory?

BIS prohibits the shipment of items subject to the Export Administration Regulations (EAR) to the Islamic State of Iraq and the Levant (ISIL)¹ absent a license in conjunction with regulations administered by the Department of the Treasury's Office of Foreign Assets Control (OFAC). OFAC has designated ISIL as a Specially Designated Global Terrorist (SDGT) and the Department of State has designated ISIL as a Foreign Terrorist Organization (FTO).

As part of its efforts against ISIL, the U.S. Government is targeting not only ISIL's abilities to raise revenue but also its purchase and use of U.S.-origin items. BIS is committed to preventing ISIL from procuring U.S.-origin items, like oilfield equipment, that generate wealth as well as components useful for improvised explosive devices to support terrorist activities. Our goal is to provide industry with information on potential diversion risks to safeguard the export, reexport, and transfer (in-country) of U.S.-origin items and protect national security.

ISIL controls facilities located in the areas which it controls and uses the facilities to generate revenue; some of these facilities require U.S.-origin parts and accessories to operate. A list of ISIL-controlled facilities in Iraq and the addresses thereof is incorporated into Attachment A of this notice (see below). BIS advises persons exporting or reexporting U.S.-origin items to Iraq to review Attachment A on a regular basis; it will be updated as necessary. BIS also reminds persons exporting or reexporting U.S.-origin items to Syria of the existing license requirements for all items subject to the EAR, other than food or medicine classified as EAR99. The full text of BIS's licensing requirements and policy specific to Syria is found [here](#).

Exporters/reexporters are advised that sanctions administered by other agencies, including those administered by OFAC, may also impact transactions in the region. Exporters/reexporters should note that U.S. entities/persons are generally prohibited from engaging in activities with

Comment [KNV1]: <http://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/syria>

¹ ISIL is also known as THE MONOTHEISM AND JIHAD GROUP, AL-ZARQAWI NETWORK, AL-TAWHID, TANZIM QA'IDAT AL-JIHAD FI BILAD AL-RAFIDAYN, THE ORGANIZATION OF AL-JIHAD'S BASE IN IRAQ, THE ORGANIZATION OF AL-JIHAD'S BASE OF OPERATIONS IN IRAQ, AL-QAIDA OF JIHAD IN IRAQ, AL-QAIDA IN IRAQ, AL-QAIDA IN MESOPOTAMIA, AL-QAIDA IN THE LAND OF THE TWO RIVERS, AL-QAIDA OF THE JIHAD IN THE LAND OF THE TWO RIVERS, AL-QAIDA OF JIHAD ORGANIZATION IN THE LAND OF THE TWO RIVERS, AL-QAIDA GROUP OF JIHAD IN IRAQ, AL-QAIDA GROUP OF JIHAD IN THE LAND OF THE TWO RIVERS, THE ORGANIZATION OF JIHAD'S BASE IN THE COUNTRY OF THE TWO RIVERS, THE ORGANIZATION BASE OF JIHAD/COUNTRY OF THE TWO RIVERS, THE ORGANIZATION OF AL-JIHAD'S BASE IN THE LAND OF THE TWO RIVERS, THE ORGANIZATION BASE OF JIHAD/MESOPOTAMIA, THE ORGANIZATION OF AL-JIHAD'S BASE OF OPERATIONS IN THE LAND OF THE TWO RIVERS, TANZEEM QA'IDAT AL JIHAD/BILAD AL RAAFIDAINI, ISLAMIC STATE OF IRAQ, JAM'AT AL TAWHID WA'AL-JIHAD, ISLAMIC STATE OF IRAQ AND AL-SHAM, ISLAMIC STATE OF IRAQ AND SYRIA, AD-DAWLA AL-ISLAMIYYA FI AL-'IRAQ WA-SH-SHAM, DAESH, DAWLA AL ISLAMIYA, AL-FURQAN ESTABLISHMENT FOR MEDIA PRODUCTION, ISLAMIC STATE, ISIL, ISIS

any entities/persons who are on the OFAC administered Specially Designated Nationals and Blocked Persons List.

Pursuant to Section [744.12](#) of the EAR, BIS requires a license for the export or reexport to an SDGT of any item subject to the EAR. However, to avoid duplication, U.S. persons are not required to seek authorization for an export or reexport to an SDGT of an item that is subject to both the EAR and OFAC's regulatory authority from both OFAC and BIS. Rather, if OFAC authorizes an export from the United States or an export or reexport by a U.S. person to an SDGT, no separate authorization from BIS is necessary. However, U.S. persons must seek authorization from BIS for the export or reexport to an SDGT of any item subject to the EAR that is not subject to OFAC's jurisdiction and non-U.S. persons must seek authorization from BIS for any export from abroad or reexport of any item subject to the EAR to an SDGT. BIS will generally review license applications for exports or reexports to SDGTs under a policy of denial. No license exceptions or other BIS authorizations are available for the export or reexport to an SDGT of an item subject to the EAR. Additionally, the EAR does not make contract sanctity available for export or reexport license applications to SDGTs.

Comment [KNV2]: <http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

BIS's license requirements for shipments of items subject to the EAR to FTOs are found in Section [744.14](#) of the EAR. Note especially the guidance in Section 744.14(e), which is specific to FTOs that are also designated as Specially Designated Terrorists (SDTs) or SDGTs, and directs that the guidance specific to SDTs or SDGTs, as applicable, will apply instead.

Comment [KNV3]: <http://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

BIS also notes that an export, reexport, or transfer (in-country) to geographic areas controlled by ISIL carries a "red flag" and suggests that you exercise caution and strong oversight if you opt to engage in an EAR transaction within these areas. A list of geographic areas known to be under ISIL control is contained in Attachment B (see below).

Finally, as part of the U.S. Government's involvement with the Counter ISIL Finance Group (CIFG), comprising 36 member states and multilateral bodies and five observer states, the U.S. Department of State, in cooperation with industry, has published an Illustrative List of Oil Drilling and Refinery Equipment that ISIL will likely require to continue its oil production and refining operations. This list can be found at <http://www.state.gov/e/enr/c71196.htm>. Exporters and reexporters of U.S.-origin items are encouraged to consult this list when exporting to parties or territories identified in Attachments A and B.

For additional information on this FAQ or attachments, please contact the Office of Enforcement Analysis at the following: EEinquiry@BIS.DOC.GOV or 202-482-1881.